

Report to Partnership Meeting – 4th February 2011

EUROPEAN

European Parliament Rights for Bus and Coach Passengers

Purpose of Report

The report updates Members on recent developments at the European Parliament that may increase passengers' rights when travelling by bus and coach.

Background

The European Parliament and Council, after a successful conciliation procedure have agreed on the rights of passengers travelling by bus and coach. A set of basic rights including non discrimination, adequate information to passengers, in particular those with reduced mobility, will apply to all passengers. Additional rights (assistance, accommodation, compensation etc) will be granted to passengers travelling long distances (more than 250km).

Passengers travelling by air and rail also have their consumer rights protected through EU legislations. More information on the rights of passengers travelling by train and air is available from the European Parliament website at the following links:

Air - http://ec.europa.eu/youreurope/citizens/travel/passenger-rights/air/index_en.htm

Rail - http://ec.europa.eu/youreurope/citizens/travel/passenger-rights/rail/index_en.htm?profile=0

EU Rights of Bus and Coach Passengers

The formalisation of the rights of bus and coach passengers in Europe has taken a step forward after new EU legislation was agreed in December 2010 between the Parliament and Council representatives. In the latest legislation MEPs have attempted to take account of the economic realities facing road transport companies, and require them to still be obliged to provide assistance and information to passengers as well as compensation for death or physical injury.

Operators will be required to inform passengers of any timetable or route changes and provide meals and drinks if delays are long. If overnight accommodation is needed because a service has been suspended, the operator must pay for up to two nights (€80 maximum per night). Compensation for lost or damaged luggage will be up to €1200. If departure is delayed by over 120 minutes, passengers can demand a full refund of their tickets or alternative transport to their destination. If the operator is unable to provide alternative transport, the traveller is entitled to additional compensation of 50 per cent of the price of the ticket. Exemptions are allowed only in the event of natural disasters or

extreme weather. Operators must provide assistance to any disabled person, provided the passenger informs the company of their needs at least 36 hours before departure. If the operator is unable to provide assistance, the passenger with reduced mobility may be accompanied at no extra cost by a companion.

Most of the provisions for buses apply only to journeys on services covering more than 250km so these would only concern routes such as the London services operated from Inverness. However, a set of basic requirements will apply to all services.

Requirements That Apply to All Bus and Coach Services

The provisions to the legislation that apply to all bus and coach services are detailed below. These are the provisions that will, if implemented, have the greatest impact on services in the Highlands and Islands. Please note the official conciliation text is not yet available; therefore, the final wording of some of the provisions is not confirmed. The proposal will now go to the European Parliament full plenary session on 14 February for confirmation and will then, if approved, become law.

Provisions applying to all services:

- Excepting social tariffs, the tariffs and contracts offered to passengers should not discriminate according to the passenger's nationality or where the carriers and ticket vendors are based within the EU.
- Reservations and tickets for passengers with reduced mobility should not be refused or incur a higher cost. Refusals are exceptionally permitted on grounds of safety requirements or infrastructure and vehicle design.
- Carriers and terminal managers should set up disability training and instructions and offer these to their personnel and drivers dealing directly with the travelling public. Member States may exempt drivers from this rule for a maximum of two years.
- Carriers and terminal managers will be liable for compensation for loss or damage to wheelchairs, mobility equipment and assistive devices. Compensation should be equal to the cost of replacement or repair of the equipment concerned.
- Carriers and terminals should provide passengers with adequate information throughout their travel, and upon request in accessible formats.
- There should be a consistent approach to how carriers and terminals communicate to passengers the rights enshrined in the regulation and how the regulation is applied in the member state concerned.
- Carriers should set up a complaint-handing mechanism in relation to the rights enshrined in this regulation.
- Passengers should make any complaints within three months following the journey in question. Within a further one month the carrier should give an initial response to the complaint and within two months the final reply.
- Each Member State should designate an official enforcement body for the regulation. The body can either handle initial complaints directly from passengers or act as an appeal body should the passenger deem the carrier's response unsatisfactory. This body should be independent of the carriers themselves.

Next Steps

Conciliation procedures take place when the European Parliament and the Council have

been unable to reach full agreement after two readings on a Commission legislative proposal, which is the case here. The agreement reached by the conciliation committee will now need to be endorsed by a plenary session of the Parliament on 14 February 2011 and by the Council.

The full effect of the Regulation on passenger rights for bus and coach passengers will only be known once the Department for Transport issue guidance to operators in the UK and to the Scottish Government on how this Regulation will apply in the UK.

In common with other strands of EU legislation governing the rights of passengers travelling by public transport there will be exemptions applied for disruption that occurs due to severe weather events.

Recommendation

1. Members are asked to note the report.

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